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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,718	09/26/2001	Rabindranath Dutta	AUS920010645US1	9293
35525	7590	12/14/2005	EXAMINER	
IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380			TARAE, CATHERINE MICHELLE	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/963,718

**Applicant(s)**

DUTTA ET AL.

**Examiner**

C. Michelle Colon

**Art Unit**

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>January 14, 2002</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The following is a Non-Final Office Action in response to the communication received on September 26, 2001. Claims 1-51 are now pending in this application.

#### ***Information Disclosure Statement***

2. The examiner has reviewed the patents and publications supplied in the Information Disclosure Statement (IDS) received on January 14, 2002.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 5-22, 25-51 are rejected under 35 U.S.C. 102(b) as being anticipated by Chisholm (U.S. 5,400,248).

As per claim 1, Chisholm discloses a method of collaborative voting, comprising:  
receiving a request for voter voting information (col. 3, lines 34-38; col. 16, lines 41-42; Voters may view voting information of other voters, including votes by voter categories.);

providing the requested voter voting information in an anonymous manner such that the identities individual voters are not disclosed (col. 16, lines 43-45; Voters may remain anonymous.); and

receiving a vote based on the voter voting information (col. 15, lines 21-42; Voters place conditional votes, which means their votes are based on the voter voting information of other voters.).

As per claim 2, Chisholm discloses the method of claim wherein receiving request for voter voting information includes receiving a selection of one more voter categories which voter information is to be provided (col. 16, lines 41-42; Voters may view voting information of other voters by voter categories.).

As per claim 5, Chisholm discloses the method of claim 2, wherein the one or more voter categories are based on voter affiliation with other voters (col. 16, lines 41-42; Voters placed in the same categories have some type of affiliation with each other.).

As per claim 6, Chisholm discloses the method of claim 5, wherein the voter voters are identified by a group identifier (col. 16, lines 41-42 and 57-60; Voters are identified as being with a voter category. Voters are also given labels as a means of identification.).

As per claim 7, Chisholm discloses the method claim 1, wherein providing the requested voter voting information includes outputting voter voting information in a graphical form on a display device (col. 3, lines 9-13; col. 4, lines 58-59; col. 6, lines 38-43).

As per claim 8, Chisholm discloses the method claim 2, wherein providing the requested voter voting information includes providing voter voting information for each of the one more categories selected (col. 6, line 51-col. 7, line 21; col. 16, lines 41-42;

Voters may view voting information of other voters by voter categories. Voter voting information may be based on any combination of individual voters or voter groups.).

As per claim 9, Chisholm discloses the method of claim 2, wherein providing the requested voter voting information includes providing voter voting information for a combination of the one or more voter categories selected (col. 6, line 51-col. 7, line 21; col. 16, lines 41-42; Voters may view voting information of other voters by voter categories. Voter voting information may be based on any combination of individual voters or voter groups.).

As per claim 10, Chisholm discloses the method of claim 8, wherein providing the requested voter information further includes providing voter voting information for a combination of the one more voter categories selected (col. 6, line 51-col. 7, line 21; col. 16, lines 41-42; Voters may view voting information of other voters by voter categories. Voter voting information may be based on any combination of individual voters or voter groups.).

As per claim 11, Chisholm discloses the method of claim 1, wherein providing the requested voter voting information includes providing a dynamically updated display of the requested voter voting information (col. 6, lines 46-48; col. 9, lines 33-50; Voter voting information is dynamically updated and graphically displayed to voters throughout the voting process.).

As per claim 12, Chisholm discloses the method of claim 1, wherein providing the requested voter voting information includes providing voter comments entered by voters included in the voter voting information (col. 5, lines 39-41; col. 6, lines 46-48).

As per claim 13, Chisholm discloses the method of claim 1, wherein the request for voter voting information includes a request for voter voting information for voters having similar characteristics as a user that submitted the request (col. 2, lines 21-37; col. 8, lines 59-67; col. 9, lines 16-20; Voters may submit conditional votes that include analysis of voter voting information that is similar to the requesting voter's voting information.).

As per claim 14, Chisholm discloses the method of claim 13, wherein providing the requested voter voting information includes:

retrieving characteristics for the user; and searching a voter database for voter entries corresponding to one or more of the characteristics for the user (col. 2, lines 21-37; col. 8, lines 59-67; col. 9, lines 16-20; Voters may submit conditional votes that include group dependencies, which require a search and analysis for voter voting information that is similar to the requesting voter's voting information.).

As per claim 15, Chisholm discloses the method of claim 13, wherein providing the requested voter voting information includes providing a ranking of an amount of similarity between other voters' characteristics and the user's characteristics (col. 5, lines 16-17; col. 7, lines 3-16; Voters may submit conditional votes that include analysis of voter voting information that is similar to the requesting voter's voting information. Voters may include a ranking of their conditional votes.).

As per claim 16, Chisholm discloses the method of claim 1, wherein receiving a vote based on the voter voting information includes receiving an indication of whether

the vote is permanent or non-final (col. 15, lines 21-42; Voting iterations allow for non-final votes to be indicated. Final votes are the last vote cast.).

As per claim 17, Chisholm discloses the method of claim 16, wherein if the vote is non-final, the vote may be changed within a predetermined period of time from when the vote was received (col. 15, lines 21-42).

As per claim 18, Chisholm discloses the method of claim 1, wherein the voter voting information includes information regarding non-final votes and permanent votes cast by voters, and wherein providing the voter voting information includes providing non-final votes in a format different from permanent votes (col. 15, lines 21-42).

As per claim 19, Chisholm discloses the method of claim 1, further comprising:  
storing an indication vote in association with voter characteristic information of the voter that submitted the vote (col. 16, lines 57-60; Voters are labeled so that their voting behavior is tracked.).

As per claim 20, Chisholm discloses the method of claim 19, wherein storing an indication of the vote further includes storing an indication of the status of the vote as being either non-final or permanent (col. 15, lines 21-42).

Claims 21, 22 and 25-51 recite substantially similar subject matter as claims 1, 2 and 5-20 above. Therefore, claims 21, 22 and 25-51 are rejected on the same basis as claims 1, 2 and 5-20 above.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 4, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chisholm (U.S. 5,400,248) as applied above.

As per claims 3 and 4, Chisholm does not expressly disclose the method of claim 2, wherein one or more voter categories are based on one or more of age, race, gender, income level, occupation, political party affiliation, or demographic information.

However, the voter labels or voter categories taught by Chisholm (col. 16, lines 41-42 and 57-60) could easily include age, race, gender, income level, occupation, political party affiliation, or demographic information as the conditional voting system taught by Chisholm is designed to depend on a variety of characteristics of other voters (col. 6, line 57-col. 7, line 21). Thus, at the time of the invention, it would have been obvious to a person of ordinary skill in the art for the system of Chisholm to have voter categories be based on age, race, gender, income level, occupation, political party affiliation, or demographic information since doing so provides voters with further criteria with which to create their conditional votes, thus providing a more powerful conditional voting process.



Claims 23 and 24 recite substantially similar subject matter as claims 3 and 4 above. Therefore, claims 23 and 24 are rejected on the same basis as claims 3 and 4 above.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Aronoff (U.S. 3,722,793) discusses a voting system;
- Grofman et al. "Efficient use of reference group cues in a single dimension," *Springer Science+Business Media B.V.*, March 1990 [retrieved from Internet] discusses the importance of knowing other group members' votes; and
- Archived version of [www.epinions.com](http://www.epinions.com), 2000 [retrieved from Internet] discusses allowing raters to view other rater's ratings before submitting their own rating.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Tarae (formerly, C. Michelle Colon) whose telephone number is 571-272-6727. The examiner can normally be reached Monday – Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 571-272-6729.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

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or faxed to:

703-872-9306 [Official Communications; including After Final  
communications labeled "Box AF"]

571-273-6727 [For status inquiries, draft communication, labeled  
"Proposed" or "Draft"]

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C. Michelle Colón  
Patent Examiner  
Art Unit 3623

December 12, 2005